

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL T. TRAIL,

Plaintiff,

vs

5:09-CV-1120

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

APPEARANCES:

OF COUNSEL:

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ROBERT R. SCHRIVER, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Michael T. Trail, filed this action in October 2009, seeking judicial review of a final decision of the Commissioner of Social Security ("Commissioner") which denied his application for disability insurance benefits. By Report-Recommendation dated August 17, 2010, the Honorable George H. Lowe, United States Magistrate Judge, recommended that the Commissioner's determination of no disability be vacated and the matter remanded to the agency for further consideration. No objections have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Lowe, the Report-Recommendation is accepted and adopted in whole.

See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that the Commissioner's determination of no disability is VACATED and the matter is REMANDED to the agency for further consideration.

IT IS SO ORDERED.

Dated: September 24, 2010
Utica, New York.


United States District Judge